

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORRIS DWAYNE ROCHELLE,)
)
)
Plaintiff,)
)
)
v.) 1:23-cv-781
)
)
JULIE CATHERINE BOYER,)
)
)
Defendant.)

ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on October 31, 2023, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 5.) In the Recommendation, the Magistrate Judge recommends that Plaintiff's Motion to Amend, (Doc. 4) be denied and that this action be dismissed pursuant to 28 U.S.C. § 1915A because it fails to state a claim upon which relief may be granted. The Recommendation was served on the Plaintiff on October 31, 2023. (Doc. 6.) Plaintiff timely filed Objections. (Doc. 7.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."

This court has appropriately reviewed the Recommendation and Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 5), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Motion to Amend, (Doc. 4), is **DENIED**, and this action is **DISMISSED** pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief may be granted.

A Judgment dismissing this action will be filed contemporaneously herewith.

This the 20th day of December, 2023.

William L. Osten, Jr.
United States District Judge